

In the Supreme Court of Nevada

MICHAEL FOLEY,
Appellant,
vs.
PATRICIA FOLEY,
Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court

MOTION FOR JUDICIAL NOTICE OF RELATED PROCEEDINGS

Appellant Michael Foley asks this Court to take judicial notice of related proceedings in this and other courts. Those matters include

1. **Case No. 64351 (Nev. Sup. Ct.):** A writ petition from this case challenging the issuance of warrants and orders (1 App. 80–103, 109–68)
2. **Case No. D-08-403071-D (Nev. Dist. Ct.):** The docket of the underlying divorce and custody matter (2 App. 355–60)
3. **Case No. 2:11-cv-1769-ECR-VCF:** A civil lawsuit arising from actions taken in the divorce and custody matter (1 App. 1–62, 3 App. 361–501)

This Court has may take judicial notice of records in another case that bear a “close relationship” to this case. *Occhiuto v. Occhiuto*, 97

Nev. 143, 145, 625 P.2d 568, 569 (1981). The *fact* of these related proceedings (separate from the question of the parties' contentions within those proceedings) is accurate and undisputed. See NRS 47.130(2). Taking judicial notice is appropriate in these circumstances. See *Mack v. Estate of Mack*, 125 Nev. 80, 91, 206 P.3d 98, 106 (2009); *Lindsey v. Lindsey*, 200 So. 2d 643, 643–44 (Fla. Dist. Ct. App. 1967); *Commonwealth ex rel. Branch v. Branch*, 104 A.2d 183, 184–85 (Pa. Super. Ct. 1954); *State ex rel. LeCompte v. Keckler*, 628 N.W.2d 749, 754 & n.7 (S.D. 2001).

Here, it is important to see how these contempt proceedings for child support fit into other proceedings. The writ petition in this Court arose from the same district-court case that is now being appealed. The docket in the divorce case is necessary to show the spousal relationship between the district judge in that case and the child-support master in this case, a relationship that warrants reassignment on remand. And the related civil lawsuit arising from the divorce and custody matter is important insofar as it explains the background for appellants' current lack of custody, which is intertwined with the obligation of support.

Dated this 21st day of June, 2017.

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CERTIFICATE OF SERVICE

I certify that on June 21, 2017, I submitted the foregoing MOTION FOR JUDICIAL NOTICE OF RELATED PROCEEDINGS for filing *via* the Court's eFlex electronic filing system.

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, at Las Vegas, Nevada, addressed as follows:

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